

REMARKS

This application has been carefully reviewed in view of the current Office Action in which all claims stand rejected based upon Fritsch (submitted by Applicants in a recent IDS). Applicants respectfully request reconsideration in view of the following:

By way of illustration, consider the rejection to claim 1. The undersigned has provided an element by element analysis below. As with the prior Office Action, the Examiner has requested (paragraph 34 of the Office Action) that the Applicants review the references in their entirety for appropriate application of the references in this rejection. Applicants again note that this is tantamount to improperly asking the Applicants to formulate their own rejections. It is reiterated that the Examiner bears the burden of establishing *prima facie* obviousness, but that notwithstanding, the undersigned has indeed reviewed the Fritsch reference and presents the following findings. Consider claim 1 as follows:

Claim 1	Fritsch
A method of facilitating a transaction for downloadable digital data over an electronic network, the method comprising:	Fritsch appears generally applicable to a method as cited in the preamble.
maintaining a presence on the electronic network to which a consumer may connect;	Could read on web site 20.
transmitting a page from the presence to the consumer over the electronic network, the page including information concerning the downloadable digital data;	Appears to be disclosed generally at col. 5, lines 51-65 and the cited figures.
receiving a command from the consumer over the electronic network indicating that the consumer wishes the transaction for the downloadable digital data;	Appears to be disclosed generally at col. 5, lines 51-65.
transmitting format options from the presence to the consumer over the electronic network via the page, the format options being selectable by the consumer	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.
and including at least one of	

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(i) types of software on which the downloadable digital data may be executed;	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.
(ii) types of portable devices on which the downloadable digital data may be stored;	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.
(iii) types of compression formats in which the downloadable digital data may be configured;	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.
(iv) types of CODECs through which the downloadable digital data may be processed; and	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.
(v) types of digital rights management algorithms to which the downloadable digital data may be subject	No identifiable disclosure in the cited figures or the reference as a whole, and no suggestion identified.

This rejection clearly falls short of establishing *prima facie* unpatentability for failure to find each of the limitations of the claim in the cited reference. A similar analysis could be done on each of the other independent claims with similar outcome. However, a redundant detailed analysis is believed unnecessary. Accordingly, none of the independent claims are either anticipated or obviated by the cited reference. Thus it follows that none of the dependent claims can be anticipated or obviated. It is therefore believed clear that all claims should be allowed at an early date.

In the event the same reference is used to reject the current claims, the undersigned requests that the Examiner provide a detailed element-by-element explanation of how each claim element is met by the cited references in order to better understand and address the rejections.

The undersigned notes that many other distinctions exist between the cited reference and the invention as claimed. However, in view of the clear deficiencies pointed out above, further discussion of these distinctions is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

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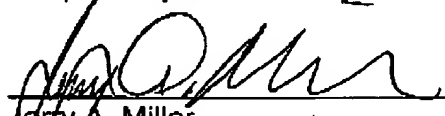
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In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date.

REQUEST FOR INTERVIEW:

The undersigned respectfully requests the courtesy of a telephone or personal interview. It is noted that the present application is now under non-final rejection for a third time. It is believed appropriate that this application be expedited to allowance, and the undersigned requests an interview to facilitate this process. The undersigned can be reached at the telephone number below, but will be out of the country from May 12, 2005 through May 24, 2005.

Respectfully submitted,


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Dated: 5/9/2005

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